



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.3685 of 2018

WEB COPY

P.Dinesh Kumar

... Petitioner

Vs.

1.The Sub Collector,
Palani Taluk, Dindigul District.

2.The Tahsildar,
Palani Taluk, Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to release the petitioner's Tipper Lorry bearing Registration No.TN-39-AP-1499 seized on 16/02/2018 to the petitioner.

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the second respondent to release the petitioner's Tipper Lorry bearing Registration No.TN-39-AP-1499 which was seized on 16.02.2018 to the petitioner.

2.According to the petitioner, when the petitioner's vehicle was carrying gravel from a construction site, the second respondent seized the vehicle on the ground that the vehicle was loaded with red sand without any valid permission. It is specifically submitted that the petitioner has no bad antecedents.

3.On the other hand, it is submitted by the learned Additional Government Pleader that the vehicle was intercepted by the Assistant Director (Mines) and found that as it was carrying gravel without valid papers including registration certificate books and transport permits for transporting sand, the vehicle was seized.

4.In any event, as the vehicle is under the custody of the authorities, having been seized on 16.02.2018 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.



5. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the respondents to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only), before the second respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicle in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

6. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector,
Palani Taluk, Dindigul District.

2. The Tahsildar,
Palani Taluk, Dindigul District.

+1cc to M/S.D.Venkatesh, Advocate SR.No. 50682

+1cc to Special Government Pleader, SR.No. 50987

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SMS

JM/SV MMS/SAR 4/23.02.2018/2P/5C